

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PAUL BRADY SMITH,)
)
Petitioner,)
)
v.) 1:14CV677
)
FRANK PERRY,)
)
Respondent.)

ORDER

On August 14, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 2 and 3.) Petitioner timely filed objections (Doc. 4) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a *de novo* determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that Petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1) is **DENIED** and that this action is dismissed without prejudice. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 6th day of January, 2015.

William L. Ostan, Jr.

United States District Judge